

1 DANIEL E. LUNGREN, Attorney General
2 of the State of California
3 E. A. JONES, III,
4 Deputy Attorney General
5 California Department of Justice
6 300 South Spring Street, Suite 5212
7 Los Angeles, California 90013-1204
8 Telephone: (213) 897-2543

9 Attorneys for Complainant

10
11 **BEFORE THE**
12 **PHYSICIAN ASSISTANT EXAMINING COMMITTEE**
13 **MEDICAL BOARD OF CALIFORNIA**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation
17 Against:

NO. 1E-94-36399

18 **THOMAS MURRAY GROTEWOLD**
19 29445 Poppymeadow Street
20 Canyon Country, CA 91351

A C C U S A T I O N

21 Physician Assistant License No.
22 PA-10775,

23 Respondent.

24 The Complainant alleges:

25 **PARTIES**

26 1. Complainant, Ray Dale, is the Executive Officer of
27 the Physician Assistant Examining Committee, Medical Board of
California, Department of Consumer Affairs, State of California,
(hereinafter the "Committee") and brings this accusation solely
in his official capacity.

2. On or about November 10, 1980, Physician Assistant
License No. PA-10775 was issued by the Committee to Thomas Murray
Grotewold (hereinafter "respondent"), and at all times relevant

1 to the charges brought herein, this license has been in full
2 force and effect. Unless renewed, it will expire on August 31,
3 1995.

4 JURISDICTION

5 3. This accusation is brought before the Committee
6 under the authority of the following sections of the California
7 Business and Professions Code (hereinafter "Code"):

8 A. Section 3527 provides that:

9 "(a) The committee may order the denial of an
10 application for, or the issuance subject to terms and
11 conditions of, or the suspension or revocation of, or the
12 imposition of probationary conditions upon a physician's
13 assistant certificate after a hearing as required in Section
14 3528 for unprofessional conduct which includes, but is not
15 limited to, a violation of this chapter, a violation of the
16 State Medical Practice Act, or a violation of the
17 regulations adopted by the committee or the board.

18 (b) The committee may order the denial of an
19 application for, or the suspension or revocation of, or the
20 imposition of probationary conditions upon, an approved
21 program after a hearing as required in Section 3528 for a
22 violation of this chapter or the regulations adopted
23 pursuant thereto.

24 (c) The board may order the denial of an application
25 for, or the issuance subject to terms and conditions of, or
26 the suspension or revocation of, or the imposition of
27 probationary conditions upon, an approval to supervise a

1 physician's assistant, after a hearing as required in
2 Section 3528, for unprofessional conduct, which includes,
3 but is not limited to, a violation of this chapter, a
4 violation of the Medical Practice Act, or a violation of the
5 regulations adopted by the committee or the board.

6 (d) Notwithstanding subdivision (c), the Division of
7 Medical Quality of the Medical Board of California, in
8 conjunction with an action it has commenced against a
9 physician and surgeon, may, in its own discretion and
10 without the concurrence of the board, order the suspension
11 or revocation of, or the imposition of probationary
12 conditions upon, an approval to supervise a physician's
13 assistant, after a hearing as required in Section 3528, for
14 unprofessional conduct, which includes, but is not limited
15 to, a violation of this chapter, a violation of the Medical
16 Practice Act, or a violation of the regulations adopted by
17 the committee or the board."

18 B. Section 3531 of the Code provides:

19 "A plea or verdict of guilty or a conviction following a
20 plea of nolo contendere made to a charge of a felony or of
21 any offense which is substantially related to the
22 qualifications, functions, or duties of the business or
23 professions to which the license was issued is deemed to be
24 a conviction within the meaning of this chapter. The
25 committee may order the license suspended or revoked, or
26 shall decline to issue a license when the time for appeal
27 has elapsed, or the judgment of conviction has been affirmed

1 on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a
3 subsequent order under the provisions of Section 1203.4 of
4 the Penal Code allowing such person to withdraw his plea of
5 guilty and to enter a plea of not guilty, or setting aside
6 the verdict of guilty, or dismissing the accusation,
7 information or indictment."

8 C. Section 490 of the Code states:

9 "A board may suspend or revoke a license on the ground that
10 the licensee has been convicted of a crime, if the crime is
11 substantially related to the qualifications, functions, or
12 duties of the business or profession for which the license
13 was issued....A conviction within the meaning of this
14 section means a plea or verdict of guilty or a conviction
15 following a plea of nolo contendere. Any action which a
16 board is permitted to take following the establishment of a
17 conviction may be taken when the time for appeal has
18 elapsed, or the judgement of conviction has been affirmed on
19 appeal, or when an order granting probation is made
20 suspending the imposition of sentence, irrespective of a
21 subsequent order under the provisions of Section 1203.4 of
22 the Penal Code."

23 D. Section 125.3 of the Code provides, in part, that
24 the Committee may request the administrative law judge to
25 direct any licensee found to have committed a violation or
26 violations of the licensing act, to pay the Committee a sum
27 not to exceed the reasonable costs of the investigation and

1 enforcement of the case.

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3 CAUSE OF ACTION

4 (Conviction of a Crime)

5 4. Respondent Thomas Murray Grotewold is subject to
6 disciplinary action under section 3531 and 490 of the Business
7 and Professions Code in that respondent has been convicted of a
8 crime substantially related to the qualifications, functions, or
9 duties of a physician assistant. The circumstances are as
10 follows:

11 A. On or about September 7, 1993 sheriff
12 deputies answering a burglar alarm call at respondent's home
13 in Canyon Country, California, found several marijuana
14 plants being cultivated in respondent's back yard. When
15 respondent arrived by car at his residence, he consented to
16 searches of his person, his car and his house. Cocaine and
17 drug paraphernalia were found on his person, in a brief case
18 in his car and in a brief case in his house. Respondent was
19 arrested for a violation of (1) Health and Safety Code
20 section 11351, possession of a controlled substance
21 (cocaine) for sale, and (2) Health and Safety Code section
22 11358, cultivation of marijuana.

23 B. On or about November 1, 1993, a felony
24 complaint was filed alleging that respondent had committed
25 the following offenses: (1) count 1, possession of
26 narcotics, controlled substance for sale, in violation of
27 Health and Safety Code section 11351; (2) count 2,

1 planting/cultivating marijuana/hashish, in violation of
2 Health and Safety Code section 11358; and (3) count 3,
3 selling or transporting a controlled substance, in violation
4 of Health and Safety Code section 11352(A). (*People of the*
5 *State of California v. Thomas Murray Grotewold*, Municipal
6 Court, County of Los Angeles, Case No. PA015038.)

7 C. On or about February 4, 1994, respondent
8 pled nolo contendere to count 1 of the felony complaint
9 described in subparagraph (B) above, possession of
10 narcotics, controlled substance for sale, in violation of
11 Health and Safety Code section 11351. (*People of the State*
12 *of California v. Thomas Murray Grotewold*, Municipal Court,
13 County of Los Angeles, Case No. PA015038.)

14 D. On or about March 4, 1994, the imposition of
15 sentence was suspended and respondent was placed on formal
16 probation for three years under the following terms and
17 conditions:

18 "(1) not use or possess any narcotics,
19 dangerous or restricted drugs or associated
20 paraphernalia, except with valid prescription, and stay
21 away from places where users congregate;

22 (2) not associate with persons believed to
23 be or known to be narcotics or drug users, sellers or
24 buyers, except in an authorized drug counseling
25 program;

26 (3) submit to periodic anti-narcotic tests
27 as directed by the probation officer;

1 (4) cooperate with the probation officer in
2 a plan for substance abuse rehabilitation;

3 (5) support dependents as directed by the
4 probation officer;

5 (6) seek and maintain training, schooling or
6 employment as approved by the probation officer;

7 (7) maintain residence as approved by the
8 probation officer;

9 (8) register with the local police agency as
10 a narcotic offender, as prescribed by law;

11 (9) pay the costs of probation services
12 (pursuant to Penal Code section 1203.1B) to the
13 probation officer in the sum of \$401.00; and

14 (10) obey all laws and further orders of the
15 court."

16 (*People of the State of California v. Thomas Murray*
17 *Grotebold*, Municipal Court, County of Los Angeles, Case No.
18 PA015038.)

19 E. The crime of possession of a narcotic
20 (cocaine, a controlled substance) for sale, a felony, is
21 substantially related to the qualifications, functions, or
22 duties of a physician assistant.

23 PRAYER

24 WHEREFORE, the complainant requests that a hearing be
25 held on the matters herein alleged, and that following the
26 hearing, the Committee issue a decision:

27 1. Revoking or suspending Physician Assistant License

1 Number PA-10775, heretofore issued to respondent Thomas Murray
2 Grotewold;

3 2. Ordering respondent to pay the Committee the
4 actual and reasonable costs of the investigation and enforcement
5 of this case;

6 3. Taking such other and further action as the
7 Committee deems proper.

8 DATED: January 10, 1995.

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Ray Dale, Executive Officer
Physician Assistant Examining Committee
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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